IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2427 of 2000
to
FIRST APPEALNo 2444 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

CHANDRASINH SHANKARBHAI

Appearance:
MR MUKESH PATEL, ld.AGP for appellants
MR VIJAY N RAVAL for Respondent-claimants

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE D.H.WAGHELA

Date of decision: 10/04/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

This group of 18 First Appeals is directed against the common judgment and order dated 29th Feb.2000

passed by the Civil Judge (Senior Division), at Godhra in Land Acquisition Cases No.1 to 18 of 1990. The lands situated at the outskirts of village Katol, Tal.Kalol, Dist. Panchmahal were sought to be acquired by the Narmada Main Canal Unit No.2 and for that purpose, the acquisition proceedings were initiated on 5th May 1988. The notifications under Sec.4 was published on 22nd May 1988 and thereafter the notification under Sec.6 was issued on 3rd Feb.1989. The Land Acquisition Officer passed a common award on 21st Aug.1989 in the Land Acquisition Case No.7/88 and determined the rate of compensation as Rs.3/- per sq.mtr. The claimants were claiming Rs.30/- per sq.mtr. and therefore, they took the matter for reference under Sec.18 of the Act. The Reference Court has enhanced the rate of compensation payable to the claimants by Rs.12/- per sq.mtr. over and above the rate which was determined by the Land Acquisition Officer, by his order dated 29th Feb.2000. It is this order which is the subject matter of challenge before this Court in these First Appeals.

2. It is the common case of the parties before this Court that the controversy involved in this case is fully covered by an earlier decision of a Division Bench of this Court rendered on 11th Sept.2000 in the group of First Appeals Nos.445 to 462 of 2000. In this group of First Appeals which was decided by the Division Bench on 11th Sept.2000, the lands of the same village, i.e. Katol were under acquisition and it is also given out that both the lands are comparable and that in that case, the Division Bench of this Court has already enhanced the rate of compensation by Rs.12/- per sq.mtr. over and above the rate of Rs.3/- per sq.mtr. as had been granted by the Land Acquisition Officer. It is also pointed out that the notification under Sec.4 in the case of lands which were subject matter of challenge in First Appeals Nos.445 to 462 of 2000 decided on 11th Sept.2000 is also in the same year as the date of the issue of the notification under Sec.4 in the present appeals and similar is the position with regard to First Appeals Nos.1369 to 1378 of 2000 decided on 9th Aug.2000. In both these groups matters as above, with regard to the same type of lands of the same village where the notification under Sec.4 has been issued in the same year this Court has already found that the enhancement by Rs.12/- per sq.mtr. for the purpose of payment of compensation over and above the rate determined by the Land Acquisition Officer is just, proper and adequate. In this view of the matter, it is distinctly made out that the controversy is fully covered by the two Division Bench decisions of this Court rendered in Groups of

appeals as above on 9th Aug.2000 and 11th Sept.2000. We, therefore, do not find any merit in these appeals. All these 18 First Appeals must therefore fail and the same are therefore dismissed with no order as to costs.

3. It is expected that the due amount of compensation shall be paid to the claimants within a period of three months from the date the certified copy of this order is produced before the concerned authority by either of the parties.

10th April 2001 (M.R. Calla, J.)

(D.H.Waghela, J.)

Sreeram.